

The examination is being carried out on the **following application documents**

Description, Pages

1-18 filed with entry into the regional phase before the EPO

Claims, Numbers

1-6 filed with entry into the regional phase before the EPO

Drawings, Sheets

1/6-6/6 filed with entry into the regional phase before the EPO

Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure.

- D1 JP 2012 155706 A (YAMAHA CORP) 16 August 2012 (2012-08-16)
- D2 WO 2010/016589 A1 (YAMAHA CORP [JP]; AKIYAMA HITOSHI; KOSEKI SHINYA; OKUYAMA FUKUTARO; SO) 11 February 2010 (2010-02-11)
- D3 EP 2 189 915 A1 (FRANCE TELECOM [FR]) 26 May 2010 (2010-05-26)
- D4 US 2008/262928 A1 (MICHAELIS OLIVER [US]) 23 October 2008 (2008-10-23)
- D5 EP 2 200 199 A1 (NAGRAVISION SA [CH]) 23 June 2010 (2010-06-23)
- D6 WO 2004/008276 A2 (EXPHAND INC A DELAWARE CORP [US]) 22 January 2004 (2004-01-22)

1 PRIORITY

- 1.1 Document D1, whose applicant is the same as the one of the present application, claims the following priority: JP20110001765, dated 07th January 2011. D1 discloses (Figures, ID, URL) the subject matter of claims 1-6 of the present application.

- 1.2 The priority date of D1 is earlier than the priority date claimed by the present application (05th April 2011) and must therefore be seen as the first application for said subject matter (Article 87 EPC and Guidelines F-VI 1.4.1.).
- 1.3 As a consequence, the effective date of the present European application is its filing date, ie 28.03.2012.

2 CLARITY

- 2.1 Claims 1,4,5,6 have been drafted as separate independent claims.

Under Article 84 in combination with Rule 43(2) EPC, an application may contain more than one independent claim in a particular category only if the subject-matter claimed falls within one or more of the exceptional situations set out in paragraph (a), (b) or (c) of Rule 43(2) EPC. This is not the case in the present application, however, for the following reason(s): At least claims 1 and 5 are redundant system claims.

Moreover the difference in features between claims 1 and 5 (e.g. validity check in mobile in claim 5) creates unclarity as to the essential features of the invention (Article 84 EPC).

It seems that claims 1 and 5 can be redrafted as alternative: (time) validity check in server, or in mobile.

3 NOVELTY AND INVENTIVE STEP

- 3.1 The present application does not meet the requirements of Article 52(1) EPC because the subject-matter of claim 1 does not involve an inventive step within the meaning of Article 56 EPC.

- 3.1.1 D3 is considered to be the prior art closest to the subject-matter of claim 1 and discloses

dtmf audio tag linking through local or server based table to URL; no validity time

- 3.1.2 The subject-matter of claim 1 therefore differs from this known system in that it has
validity time.

- 3.1.3 The problem to be solved by the present invention may therefore be regarded as
rewarding live watching and not recorded watching.

- 3.1.4 However, these features have already been employed for the same purpose in a similar system (see D5 paragraphs 13 and 18). It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to a system according to D3, thereby arriving at a/an system according to claim1.

The subject-matter of claim 1 does not therefore involve an inventive step (Articles 52(1) and 56 EPC).

- 3.2 The same applies mutatis mutandis to corresponding claims 4, 6.
- 3.3 Since D3 discloses both cases of local or server based time validity check, the same applies to claim 5.
- 3.4 Dependent claims 2-3 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the EPC with respect to novelty and/or inventive step:
- Claim 2 : D3 and D5 also have broadcast as input;
 - Claim 3 show obvious alternative choices to trace the time before checking its validity.

4 CONCLUSIONS

- 4.1 Moreover, D5 also discloses further details of manual user interaction at paragraph 7 to validate the fact that the content is indeed watched, details that are also discussed in the description of the present application (paragraphs 34-36).
- 4.2 Also additional features of the description at paragraph 41 about priority for faster answers fall within obvious implementation choices known to the skilled person, for instance if the organizing the action has a limited number of coupons (under the general rule, first come first served).
- 4.3 Therefore it is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable, an independent claim should be filed taking account of Rule 43(1) EPC. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art (and particularly D3, D5, and also D6 as a possible alternative starting point instead of D3) and the significance thereof.

Datum
Date cf Form 1507
Date

Blatt
Sheet 4
Feuille

Anmelde-Nr:
Application No: 12 767 600.5
Demande n°:

F.Bertrand